

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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ALTERRA AMERICA INSURANCE COMPANY,

Plaintiff,

-against-

**NOTICE OF MOTION FOR  
PARTIAL REVIEW OF  
MEMORANDUM  
AND ORDER OF SPECIAL  
REFEREE MICHAEL  
DOLINGER REGARDING  
MOTION TO COMPEL  
PRODUCTION OF  
UNDERLYING LITIGATION  
AND SETTLEMENT  
MATERIALS**

NATIONAL FOOTBALL LEAGUE AND NFL  
PROPERTIES, LLC, et al.,

Defendants.

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DISCOVER PROPERTY & CASUALTY  
COMPANY, et al.,

Index No. 652933/2012 **E**

Plaintiffs,

Hon. Andrea Masley

-against-

NATIONAL FOOTBALL LEAGUE, NFL  
PROPERTIES LLC., et al.,

Defendants.

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**PLEASE TAKE NOTICE**, that upon the annexed Memorandum of Law in support of the Insurers'<sup>1</sup> Motion Seeking Partial Review of the Memorandum and Order of Special Referee Michael Dolinger and to Compel Production of Underlying Litigation and Settlement Materials from the National Football League and NFL Properties LLC (the "NFL Parties"), and the Affirmation of Christopher R. Carroll, Esq. and the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court in the motion submission part, Room 130, located at 60 Centre Street, New York, New York, on the 5<sup>th</sup> of April, 2019, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order pursuant to CPLR §§ 3104(d), 3124, and 3126, granting the Insurers' Motion to Compel Production of Underlying Litigation and Settlement Materials, and for such other further relief as this Court deems just, proper and equitable.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR 2214(b), answering papers, and any notice of cross-motion with supporting papers, if any, are required to be served upon the undersigned at least seven (7) days prior to the return date of the motion; and reply papers, if any, must be served upon all parties at least one (1) day before the return date of the motion.

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<sup>1</sup> TIG Insurance Company, The North River Insurance Company, United States Fire Insurance Company, Discover Property & Casualty Insurance Company, St. Paul Protective Insurance Company, Travelers Casualty & Surety Company, Travelers Indemnity Company, Travelers Property Casualty Company of America, Continental Insurance Company, Continental Casualty Company, Bedivere Insurance Company, ACE American Insurance Company, Century Indemnity Company, Indemnity Insurance Company of North America, California Union Insurance Company, Illinois Union Insurance Company, Westchester Fire Insurance Company, Federal Insurance Company, Great Northern Insurance Company, Vigilant Insurance Company, Munich Reinsurance America, Inc., XL Insurance America Inc., XL Select Insurance Company, American Guarantee and Liability Insurance Company, Arrowood Indemnity Company, Westport Insurance Corporation, and Allstate Insurance Company, solely as successor in interest to Northbrook Excess and Surplus Insurance Company, formerly Northbrook Insurance Company.

Dated: New York, New York  
March 14, 2019

KENNEDYS CMK LLP

By: /s/ Christopher R. Carroll  
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